



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Sandler Reiff Lamb Rosenstein
& Birkenstock, P.C.
Attn: James C. Lamb, Esq.
1025 Vermont Avenue, N.W., Ste. 300
Washington, DC 20005

SEP 19 2016

RE: MUR 6884

Dear Mr. Lamb:

On October 24, 2014, the Federal Election Commission notified your clients, congressional candidate John Lewis and his campaign committee, Montanans for Lewis and Holly Giarraputo in her official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On September 8, 2016, based upon the information contained in the complaint and information provided by your clients, the Commission decided to find no reason to believe that your clients violated 52 U.S.C. §§ 30104(b)(3)(A), 30116(a)(8), or 11 C.F.R. § 110.6(c)(2). Accordingly, the Commission closed its file in this matter on September 8, 2016.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosure: Factual and Legal Analysis

160474004001

FACTUAL AND LEGAL ANALYSIS

The Complaint alleges that the Committee violated the Federal Election Campaign Act of 1971, as amended (the “Act”) and Commission regulations by failing to report contributions made by individual donors through the conduit fundraising entity ActBlue on its 2014 October Quarterly Report. Compl. at 2. The Complaint further alleges the Committee failed to accurately report required information about the contributions made through ActBlue. *Id.* According to the Complaint, nearly one-third of contributions itemized on the report came

1 through ActBlue, but the entries on the report are missing required contributor information. *Id.*

2 The Committee argues that it correctly reported every conduit contribution. Resp. at 2.

3 The Act and Commission regulations require an authorized committee to itemize the
4 earmarked contributions it receives from a particular conduit when that conduit transmits in
5 excess of \$200 in earmarked contributions in a calendar year. 52 U.S.C. §§ 30104(b)(3)(A),
6 30116(a)(8), 11 C.F.R. § 110.6(c)(2). If itemization is required, the authorized committee must
7 (1) identify¹ the conduit; (2) report the date of receipt and total amount of earmarked
8 contributions received from that conduit; and (3) itemize the original contributions from each
9 individual whose total contributions to the committee aggregate over \$200 per election cycle,
10 including the full name, mailing address, occupation, and employer of the contributor, the
11 amount earmarked, and the date the conduit received the contribution. *Id.* See also 11 C.F.R. §
12 104.3(a)(4). A review of the Committee's 2014 October Quarterly Report reveals that the
13 Committee properly disclosed the required information about the conduit,² as well as the required
14 contributor information for each of the 930 contributions the Committee received through
15 ActBlue.³

16 Accordingly, the Commission finds no reason to believe that John Lewis, Montanans for
17 Lewis and Holly Giarraputo in her official capacity as treasurer failed to accurately report

¹ The Act defines "identification" to include, for individuals, their name, address, occupation, and name of employer. 52 U.S.C. § 30101(13)(A). For any other person, including a conduit, the full name and address is required. 52 U.S.C. § 30101(13)(B).

² A comparison of the Committee's 2014 October Quarterly Report and ActBlue's filings for July – September 2014 confirmed the Committee correctly itemized all conduit contributions over \$200 that it received through ActBlue.

³ The 2014 October Quarterly Report included 2,179 itemized entries, 2,151 of which were from individual contributors. Of those itemized individual contributor entries, 930 were memo entries indicating reportable conduit contributions through ActBlue.

- 1 conduit contributions in violation of 52 U.S.C. §§ 30104(b)(3)(A), 30116(a)(8) or 11 C.F.R. §
- 2 110.6(c)(2).

140844400444